

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

JOHN DOE,
Plaintiff

V.

File No. 1:03-CV-211

THE NEWBURY BIBLE CHURCH, :
THE NEWBURY CHRISTIAN SCHOOL, :
THE NEWBURY BIBLE CHURCH AND :
SCHOOL, and JOSEPH RINALDI, :
Defendants :

ORDER

The Magistrate Judge's Report and Recommendation was filed July 20, 2005 (Doc. 36). The Court agrees with the Magistrate Judge's analysis of Doe v. Forrest, 853 A.2d 48 (Vt. 2004). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The church defendants' motion for summary judgment (Paper 25) is GRANTED.

The only remaining claim is a direct liability claim against defendant Joseph Rinaldi and is set forth in Count I of plaintiff's Complaint (Doc. 1). Although the defendant was served with the Summons and Complaint on September 27, 2003 (Doc. 9), he has not entered an appearance or answered the Complaint.

Accordingly, it is hereby ORDERED that this matter will be dismissed as against defendant Rinaldi unless an answer or other appropriate pleading is filed on

his behalf, or a motion for default is filed on behalf of the plaintiff, not later than 20 days from the date hereof.

IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Order, either electronically, or by United States mail or facsimile, upon attorneys of record for the parties appearing in this case.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 15th day of August, 2005.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge